

Joseph J. Tabacco, Jr. (75484)
Christopher T. Heffelfinger (118058)
James C. Magid (233043)
BERMAN DEVALERIO
425 California Street, Suite 2100
San Francisco, CA 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

**Co-Lead Class Counsel for Plaintiff John Doe 1
and Individual Class Members, Counsel for
Plaintiff John Doe 2**

Hollis Salzman (HS-5994)
Michael W. Stocker (179083)
Kellie Safar Lerner (KL-0927)
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
Telephone: (212) 907-0700
Facsimile: (212) 818-0477

**Co-Lead Class Counsel for Plaintiff Service Employees
International Union Health and Welfare Fund and
Institutional Class Members**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE ABBOTT LABORATORIES NORVIR
ANTITRUST LITIGATION

Case No. C-04-1511 CW

**ORDER GRANTING FINAL APPROVAL
OF SETTLEMENT**

Date: August 6, 2009

Time: 2:00 p.m.

Ctrm: 2

The Honorable Claudia Wilken

1 The Court has considered the Joint Motion for Final Approval of Class Action Settlement
2 filed by Plaintiffs and Defendant Abbott Laboratories, Inc., and has held a duly-noticed final
3 approval hearing on August 6, 2009. The Court hereby grants final approval of the parties'
4 settlement.

5 1. This Final Approval Order incorporates by reference the definitions in the Settlement
6 Agreement, dated August 13, 2008 and filed concurrently with Plaintiffs' Motion for Preliminary
7 Approval of Class Action Settlement.

8 2. The Court retains jurisdiction over (a) the subject matter of the Action and over all
9 parties to the Action, including all Class members and Subclass members, as certified by the Court's
10 June 11, 2007 Order and as modified by the Court's August 27, 2008 Preliminary Approval Order;
11 and (b) to consider all further applications arising out of or connected with the proposed settlement.

12 3. The Court finds that the Settlement was reached as the result of extensive arm's
13 length negotiations between the parties. The negotiations were undertaken in good faith by counsel
14 and facilitated by an experienced mediator, Edward A. Infante, former Chief Magistrate Judge of the
15 United States District Court for the Northern District of California.

16 4. The Settlement is recommended by counsel for both parties. Class Counsel and
17 counsel for the Defendants are skilled and experienced lawyers and law firms, with extensive
18 experience litigating antitrust class actions, and are competent to evaluate the benefits and burdens
19 of the Settlement in comparison with the potential recovery, complexity, risk and delay likely if this
20 case were to be litigated to a final conclusion.

21 5. The Court finds that sufficient investigation and discovery was accomplished to
22 permit counsel for the parties and the Court to intelligently evaluate the Settlement.

23 6. The Court finds that the forms of Settlement notice (the "Settlement Notices") and the
24 notice distribution plan (the "Settlement Notice Plan"), approved on April 15, 2009, fulfill the
25 requirements of due process and Rule 23 of the Federal Rules of Civil Procedure. The Settlement
26 Notices clearly describe the nature of the Action and the terms of the Settlement. They also
27 adequately identify the members of the Class and explain, among other things, how to exclude
28 oneself from the Class, how to object to the Settlement, how to obtain copies of papers filed in the

1 Action and how to contact Class Counsel. Further, the Settlement Notices were adequately
2 disseminated to the Class by first class mail, publication in print media, and publication on the
3 Internet.

4 7. After due consideration of, among other things, the Plaintiffs' likelihood of success on
5 the merits; the terms and conditions of the Settlement Agreement; the extent of discovery and the
6 litigation stage at which settlement was reached; the risk of maintaining class action status; the
7 recommendation and experience of counsel; the involvement and experience of the mediator, Judge
8 Infante; the level and substance of the opposition to the Settlement; the presence of good faith and
9 absence of collusion; all written submissions, affidavits, and arguments of counsel; and after notice
10 and hearing, the Court finds that the Settlement is fair, adequate and reasonable.

11 8. Accordingly, the Court hereby approves the Settlement Agreement, which shall
12 govern all issues regarding the Settlement and all rights of the Parties, including the Class members.

13 9. This Final Order shall be fully binding with respect to all Class Members who did not
14 request exclusion in accordance with the terms of the Settlement.

15 **DONE AND ORDERED** in Chambers in Oakland, California this 6th day of
16 August, 2009.



17
18 CLAUDIA WILKEN
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28